

## **REMARKS**

### **Summary of Office Action**

Claims 1-75 are pending in the application. Of the above claims, claims 1, 32, 36-73 and 75 are withdrawn from consideration. In addition, Claims 2-31,33-35 and 74 are rejected.

By this Amendment, Claims 1-75 have been cancelled without prejudice or disclaimer, and Claims 76-123 are now pending in the application. Applicant respectfully submits that no new matter has been introduced into the present application and that the new claims are supported by the original specification and drawings.

The Examiner's rejections are traversed below.

### **Objection to the Claims**

The claims are objected due to informalities. Applicant has cancelled the original claims, and is submitting new claims that Applicant believes are in proper form. Withdrawal of this objection is respectfully requested.

### **The Section 112, Second Paragraph Rejections**

Claims 2-31,33-35 and 74 are rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has cancelled Claims 2-31,33-35 and 74, and is submitting new claims that Applicant believes are in proper form. Withdrawal of this rejection is respectfully requested.

### **The Section 103 Rejections**

Claims 2-22, 24-31, 33-35 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,611,201 to Bishop et al. (Bishop).

Bishop relates to a system installed in an automobile or other vehicle, which includes a master **pager receiver unit** or acknowledgment **pager** receiver/transmitter which receives paging messages sent **from a paging transmitter site**. The master unit is also in wireless communication with a set of slave units installed in the vehicle which include electronic switches and are programmed to control relays or other in-vehicle devices upon receipt of appropriate commands from the in-vehicle master unit. The system provides a method and apparatus for communicating with specific electrical and mechanical components in the vehicle in order to access, monitor, disable and/or enable certain functions, features, and accessories in the vehicle. When the **slave unit** hears a specific code it opens or closes a switch that is connected to a specific electrical circuit and thus **disables and enables functions** of the automobile that are associated with that electrical circuit.

Bishop can accommodate one-way or two-way communication depending upon the desires of the user. It is intended that two-way communication be based upon acknowledgment **paging services** and that one-way communication be based upon normal one-way **paging**.

Applicant respectfully submits that the presently claimed invention patentably distinguishes over Bishop. Specifically, new independent Claim 76 recites, in combination: “A real-time Trusted Remote Activity Control Federal Access Control Technology (TRAC/FACT) system to include a local protected Primary Focal Node (PFN) interface of at least one of machine, vehicle and equipment.: Claim 76 also recites, in combination, “at least one operation sensor recording the operations of the at least one of the vehicle and equipment

as a recording signal; a memory storing the operations of the vehicle or the equipment received from said operation sensor in a secure manner; and a processor responsively connectable to said memory, receiving the recording signal, at least one communication device reporting or transferring data to at least one remote monitoring and control system with transmission of the data being optionally two-way transmission for memory storage recording of remote control commands, the recording signal from at least one of operation sensor, audio data records and visual data records.”

In addition, Claim 76 recites “wherein said at least one processor comprises at least a local Primary Focal Node termed a PFN to have hardware and programmable and or modular software or firmware termed TRAC which functions as a Trusted Remote Activity Controller providing robotics or automated and remote control accountability by recording event data local and redundantly in remote memory storage, for communication components and computer hardware systems as determined by any industry or government standards efforts and protocols, for interfacing with activity controls, sensors, or devices in any vehicle, machine, or as part of any equipment or on any person, animal, living entity or for any arbitrary use as a free standing piece of accountable telemetry or control equipment.”

Claim 76 further recites “wherein said at least one of said plurality of communication devices include a backup system to provide back up to any automated, remote control system, and wherein said at least one of said plurality of external devices are supported by a universal interface for separate C.O.T.S. products and accessories, the at least one of the plurality of external devices interfacing with said at least one processor via the at least one of the plurality of

interface protocols, providing the capability of the at least one of the external devices to be at least one of remotely controlled and remotely operated.” Further, Claim 76 recites that the “primary focal node supports at least one of application specific software protocols and hardware systems for industry standards for recorded data as determined by at least one of codes, specifications, rules regulations, and laws, for at least one of vehicles, equipment or machinery use, and wherein said real-time vehicle or equipment management system includes redundant remote storage in at least one remote location in at least one application specific industry standard protocol as determined by at least one of codes, specifications, rules, regulations, data handling procedures and laws for at least one of equipment, machinery and vehicle use.”

Applicant respectfully submits that Bishop fails to disclose this combination of limitations. Withdrawal of the rejection is respectfully requested.

Applicants respectfully submit new claims 77-123 are also patentably distinguishable over the prior art based on the combination of limitations in each of the claims, when each claim is interpreted as a whole. Further applicants submit that no new subject matter is added by these claims as they are supported by the application.

### **CONCLUSION**

Applicant respectfully submits that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicant does not concede that the cited prior art shows any of the elements recited in the claims. However, to the extent Applicant has discussed specific elements of the claims, Applicant has merely provided examples of elements in the claims that are clearly not present in the cited prior art.

Applicant strongly emphasizes that one reviewing the prosecution history should not interpret any of the examples Applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicant asserts that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable. Applicant has emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, Applicant does not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, Applicant is providing examples of why the claims described above are distinguishable over the cited prior art.

Applicant wishes to clarify for the record, if necessary, that the claims have been amended to expedite prosecution and/or explicitly recite that which is already present within the claims as interpreted in view of the specification. Moreover, Applicant reserves the right to pursue the original and/or complimentary subject matter recited in the present claims in a continuation application.

Any claims that have been cancelled are hereby cancelled without prejudice or disclaimer, and Applicant reserves the right to further prosecute these claims in continuing

applications. In addition, Applicant has attempted to claim all embodiments disclosed in the present application, and no disclaimer of any embodiments is hereby intended by the presently pending claims.

Any narrowing amendments made to the claims, if any, in the present Amendment are not to be construed as a surrender of any subject matter between the original claims and the present claims; rather merely Applicant's best attempt at providing one or more definitions of what the Applicant believes to be suitable patent protection. In addition, the present claims provide the intended scope of protection that Applicant is seeking for this application. Therefore, no estoppel should be presumed, and Applicant's claims are intended to include a scope of protection under the Doctrine of Equivalents and/or statutory equivalents, i.e., all equivalents that are substantially the same as the presently claimed invention.

Further, Applicant hereby retracts any arguments and/or statements made during prosecution that were rejected by the Examiner during prosecution and/or that were unnecessary to obtain allowance, and only maintains the arguments that persuaded the Examiner with respect to the allowability of the patent claims, as one of ordinary skill would understand from a review of the prosecution history. That is, Applicant specifically retracts statements that one of ordinary skill would recognize from reading the file history were not necessary, not used and/or were rejected by the Examiner in allowing the patent application.

Applicant also traverses any "Official Notice," "Design Choice," "Admitted Prior Art" or other alleged prior art that the Examiner purports are well known with respect to the claimed combination of the present invention. Applicant disagrees and requests the Examiner to provide a prior art reference describing any of these features that the Examiner has not provided a prior art reference or an affidavit under 37 C.F.R. § 1.104(d)(2) providing details of why it would have

been obvious. In the absence of either, Applicant requests withdrawal of this rejection for these reasons as well.

For all the reasons advanced above, Applicant respectfully submits that the rejections have been overcome and should be withdrawn.

For all the reasons advanced above, Applicant respectfully submits that the Application is in condition for allowance, and that such action is earnestly solicited.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment, or credit any overpayment, to Deposit Account No. 08-0219.

In the event that an Extension of Time is required, or which may be required in addition to that requested in a petition for an Extension of Time, the Commissioner is requested to grant a petition for that Extension of Time which is required to make this response timely and is hereby authorized to charge any fee for such an Extension of Time or credit any overpayment for an Extension of Time to Deposit Account No. 08-0219.

Respectfully submitted,

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